

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AIRN LIQUIDATION TRUST CO., LLC, in its
capacity as Liquidation Trustee of the AIRN
LIQUIDATION TRUST,

Appellant,

v.

MEDIA EFFECTIVE LLC, *et al.*,

Appellees.

Case No. 2:24-CV-10144-CCC

Judge Claire C. Cecchi

MOTION TO EXTEND TIME TO FILE APPELLANT’S BRIEF

Pursuant to Local Rule 6.1 and Bankruptcy Rule 9006(b), Appellant AIRN Liquidation Trust Co., LLC, in its capacity as Liquidation Trustee of the AIRN Liquidation Trust (“Appellant”), through undersigned counsel, files this Motion seeking an Extension of Time to File its Appellant’s Brief. As explained more fully in the accompanying Memorandum of Support, good cause exists to grant Appellant’s Motion.

Respectfully Submitted,

ICE MILLER LLP

[Signature of counsel on following page.]

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LLC, in its capacity as Liquidation Trustee of the
AIRN Liquidation Trust*

MEMORANDUM IN SUPPORT

In support of AIRN Liquidation Trust Co., LLC, in its capacity as Liquidation Trustee of the AIRN Liquidation Trust's ("Appellant") Motion for Extension of Time to File Appellant's Brief, Appellant states as follows:

1. On October 11, 2024, the United States Bankruptcy Court for the District of New Jersey (the "Bankruptcy Court") issued a final order in Case No. 23-01335-JKS (the "Preliminary Injunction Order").

2. On October 25, 2024, Appellant timely filed its Notice of Appeal pursuant to Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule") 8002.

3. On November 8, 2024, Appellant timely filed its Statement of Issues and Designation of Record on Appeal pursuant to Bankruptcy Rule 8009.

4. On November 13, 2024, this Court docketed notice that the record was transmitted and available electronically.

5. Pursuant to Bankruptcy Rule 8018(a)(1), Appellant's brief is currently due on or before **December 12, 2024**. Said time has not yet passed.

6. Pursuant to Bankruptcy Rule 8018(a)(2), Javier Torres, Media Effective, LLC, Dora Dillman, Javier Torres, Jr., Natalia Torres and Paulina Torres (collectively, the "Appellees") must serve and file a brief within 30 days after Appellant's brief is served.

7. Pursuant to Bankruptcy Rule 8018(a)(3), Appellant may serve and file a reply brief within 14 days after service of Appellees' brief but at least seven days before scheduled arguments.

8. Despite the exercise of due diligence, Appellant's undersigned counsel's work on other trial and appellate litigation, including, but not limited to, the following, has impacted their ability to devote time to their work on the opening brief in this case:

- a. *In re: Commitment of J.F.*, Case No. 23A-MH-00752, pending in the Indiana Court of Appeals. Undersigned counsel represents *Amici Curiae* Community Health Network, Inc. and Indiana University Health, Inc. *Amici* and presented oral argument at the Indiana Supreme Court on November 19, 2024.
- b. *In re: Commitment of T.M.*, Case No. 24A-MH-01437, pending in the Indiana Court of Appeals. Undersigned counsel represents Appellee Community Health Network, Inc. (“Community”). Community’s Brief of Appellee is due on or before December 9, 2024.
- c. *Maria Magana v. Ivy Tech Community College*, Case No. 24A-CC-02382, pending in the Indiana Court of Appeals. Undersigned counsel represents Appellee Ivy Tech Community College. Ivy Tech’s Brief of Appellee is due on or before December 13, 2024.
- d. *Commitment of D.S.*, Case No. 24A-MH-00833, pending in the Indiana Court of Appeals. Undersigned counsel represents Appellee Community. Community’s Response in Opposition to Petition to Transfer is due on or before December 16, 2024.
- e. *Commitment of J.K.*, Case No. 24A-MH-01437, pending in the Indiana Court of Appeals. Undersigned counsel represents Appellee Community. Community’s Response Brief is due on or before December 19, 2024.
- f. *Beaver Gravel Corporation, d/b/a Beaver Materials, et al. v. Eros Vladovich, et al.* Case No. 24A-PL-02494, pending in the Indiana Court of Appeals. Undersigned counsel represents Appellants Beaver Gravel Corporation, d/b/a Beaver Materials,

Chris Beaver, Ali Alvey, and Rob Shank (collectively “Beaver”). Beaver’s Opening Brief is now due on or before January 2, 2025.

9. Moreover, the aforementioned deadlines are set to conflict with upcoming holidays in December 2024 and January 2025, during which undersigned counsel will be traveling, due to family commitments.

10. For these reasons, Appellant seeks a 30-day extension of time to file its Appellant’s Brief.

11. Appellant does not foresee any prejudice or undue delay that would result from the granting of this Motion given the modest nature of the request, as it will inure to benefit of both parties.

12. No other extension has been sought or granted in this matter.

13. Appellant’s counsel sought consent to this Motion from counsel for Appellees but had not heard back from counsel prior to filing this Motion.

14. For these reasons, Appellant proffers that good cause exists justifying the granting of this Motion.

15. Pursuant to Local Rule 6.1 and Bankruptcy Rule 9006(b), Appellant therefore respectfully seeks an extension of **30 days** within which it must file the Appellant’s Brief with this Court.

WHEREFORE, Appellant AIRN Liquidation Trust Co., LLC, in its capacity as Liquidation Trustee of the AIRN Liquidation Trust, respectfully requests that, for good cause shown, its Motion be granted, and that its deadline to file its Appellant’s Brief be extended by 30 days to and including **January 13, 2025**.

[Signature of counsel on following page]

Respectfully submitted,

Dated: December 3, 2024

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*Counsel to Appellant AIRN Liquidation Trust Co.,
LLC, in its capacity as Liquidation Trustee of the
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CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2024, I electronically filed the foregoing with the Clerk of the United States District Court for the District of New Jersey through the CM / ECF system, thereby automatically serving all registered parties.

/s/ Louis T. DeLucia
*Counsel to Appellant AIRN Liquidation Trust Co.,
LLC, in its capacity as Liquidation Trustee of the
AIRN Liquidation Trust*